

SENATE BILL 838

P4

0lr1555
CF 0lr2058

By: **Senators Raskin and Peters**

Introduced and read first time: February 10, 2010

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Veterans – Post-Traumatic Stress Disorder – Death Benefits**

3 FOR the purpose of providing that certain surviving beneficiaries of certain deceased
4 veterans who are residents of Maryland and who died as a result of a certain
5 illness are entitled to certain death benefits; and generally relating to death
6 benefits for deceased Maryland veterans.

7 BY repealing and reenacting, without amendments,
8 Article – Public Safety
9 Section 1–202(a–1)
10 Annotated Code of Maryland
11 (2003 Volume and 2009 Supplement)

12 BY adding to
13 Article – Public Safety
14 Section 1–202(f)
15 Annotated Code of Maryland
16 (2003 Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 1–202(f), (g), (h), and (i)
20 Annotated Code of Maryland
21 (2003 Volume and 2009 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Public Safety**

25 1–202.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a-1) For purposes of this section, an individual served in the Afghanistan or
2 Iraq conflict if the individual was a member of the uniform services of the United
3 States who served in:

4 (1) Afghanistan or contiguous air space, as defined in federal
5 regulations, on or after October 24, 2001, and before a terminal date to be prescribed
6 by the United States Secretary of Defense; or

7 (2) Iraq or contiguous waters or air space, as defined in federal
8 regulations, on or after March 19, 2003, and before a terminal date to be prescribed by
9 the United States Secretary of Defense.

10 **(F) (1) THIS SUBSECTION APPLIES ONLY TO A MARYLAND VETERAN**
11 **OF THE UNIFORM SERVICES OF THE UNITED STATES:**

12 **(I) WHO SERVED IN THE AFGHANISTAN OR IRAQ CONFLICT;**
13 **AND**

14 **(II) WHOSE DEATH IS DIRECTLY CONNECTED TO THE**
15 **VETERAN'S EXPOSURE TO PSYCHOLOGICALLY TRAUMATIC EVENTS DURING THE**
16 **VETERAN'S MILITARY SERVICE IN THE AFGHANISTAN OR IRAQ CONFLICT THAT**
17 **RESULTED IN DIAGNOSED POST-TRAUMATIC STRESS DISORDER.**

18 **(2) A DEATH BENEFIT OF \$125,000 SHALL BE PAID TO THE**
19 **SURVIVING SPOUSE, CHILD, DEPENDENT PARENT, OR ESTATE OF A MARYLAND**
20 **VETERAN OF THE UNIFORM SERVICES OF THE UNITED STATES.**

21 **(3) (I) THE SECRETARY OF STATE SHALL ISSUE A STATE FLAG**
22 **TO THE FAMILY OF A MARYLAND VETERAN OF THE UNIFORM SERVICES OF THE**
23 **UNITED STATES WHO IS RECEIVING A DEATH BENEFIT UNDER THIS**
24 **SUBSECTION.**

25 **(II) THE FLAG SHALL BE PRESENTED TO THE FAMILY OF**
26 **THE DECEASED MARYLAND VETERAN OF THE UNIFORM SERVICES OF THE**
27 **UNITED STATES BY THE DEPARTMENT OF VETERANS AFFAIRS.**

28 **[(f)] (G)** On a case-by-case basis, the Secretary of Public Safety and
29 Correctional Services may award a death benefit under this section if:

30 (1) the decedent's death was caused by the decedent's intentional
31 misconduct;

32 (2) the decedent intended to bring about the decedent's death; or

1 (3) the decedent's voluntary intoxication was the proximate cause of
2 the decedent's death.

3 **[(g)] (H)** If the Secretary of Public Safety and Correctional Services
4 determines that the benefits under this section are to be paid, the benefits shall be
5 paid:

6 (1) to the decedent's surviving spouse;

7 (2) if no individual is eligible under item (1) of this subsection, to each
8 surviving child of the decedent in equal shares;

9 (3) (i) for a death benefit under subsection (b) of this section, if no
10 individual is eligible under item (1) or (2) of this subsection, to the decedent's
11 surviving parent, if the parent was a dependent as defined in § 152 of the Internal
12 Revenue Code; or

13 (ii) for any other benefit under this section, if no individual is
14 eligible under item (1) or (2) of this subsection, to the decedent's surviving parent; or

15 (4) if no individual is eligible under item (1), (2), or (3) of this
16 subsection, to the decedent's estate.

17 **[(h)] (I)** Payments under this section shall be made out of money that the
18 Governor includes for that purpose in the State budget.

19 **[(i)] (J)** A person aggrieved by a final decision of the Secretary of Public
20 Safety and Correctional Services under this section may seek judicial review as
21 provided for review of final decisions in Title 10, Subtitle 2 of the State Government
22 Article.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 July 1, 2010.